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Canada. Trade and Commerce Dept.

SYNOPSIS

OF THE

LAWS OF THE DOMINION OF CANADA

RESPECTING THE

SALE OF FOOD AND OTHER COMMODITIES

ISSUED BY THE DEPARTMENT OF TRADE AND COMMERCE, OTTAWA

OTTAWA

PRINTED BY J. DE L. TACHE,

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

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LETTER OF TRANSMITTAL.

OTTAWA.

To the Right Honourable

The Minister of Trade and Commerce.

SIR,—I have the honour to forward herewith manuscript embodying a synopsis of the laws of the Dominion of Canada respecting the sale of food and other commodities, which I would suggest be circulated as widely as possible in order that the people of Canada may become familiar with the legal weight of the various articles referred to and the penalties provided by statute for infringement of the various laws in connection therewith.

I have the honour to be, sir,

Your obedient servant,

(Sgd.) F. C. T. O'HARA,

Deputy Minister.

THE DEPARTMENT OF TRADE AND COMMERCE.

In view of the continuous requests received by the Department of Trade and Commerce for information with regard to the legal weights and measures governing the sale of various foodstuffs and other commodities in Canada, the Department publishes herewith, for convenient reference, a synopsis of the Federal Statutes governing the sale of such of those foodstuffs in the Dominion as have been dealt with in legislation passed by the Parliament of Canada.

Weights and Measures.

In Canada the law provides, with respect to weights, that the unit shall be the standard pound (avoirdupois) of 7,000 grains, one-sixteenth part of the standard pound shall be an ounce ($437\frac{1}{2}$ grains), one hundred pounds a cental, and two thousand pounds a ton, and that four hundred and eighty grains shall be an ounce troy.

As regards measures—That the unit or standard measure of capacity, as well for liquids as for dry measures, shall be the gallon, containing ten standard pounds weight of distilled water, weighed with the water and air at a temperature of sixty-two degrees Fahrenheit, with the barometer at thirty inches, that the quart shall be one-fourth part of the gallon, and the pint one-eighth part of the gallon, and that eight gallons shall be a bushel.

This gallon, commonly known as the "Imperial gallon," contains 277.274 cubic inches.

The standard measure of length is the yard, one-third part of which it is provided shall be a foot, and the twelfth part of such foot shall be an inch.

Imperial Measure.

Special note should be made of the fact that certain standards of weights and measures used in some of the states of the United States are not legal (though frequently used), in Canada. These standards are not so large, being about 20 per cent smaller in capacity than the legal standards in Canada, *i.e.*, the Imperial pint, quart and gallon.

Statutes quoted.

At the end of this pamphlet will be found a reference to the various Federal Statutes quoted in the memorandum following which, with the reference referred to, has been prepared by Mr. John Byrnes, of this Department. This memorandum in no way is intended to have the force of law, but, as previously stated, it is merely a convenient reference to existing statutes.

F. C. T. O'HARA,
Deputy Minister.

OTTAWA, October 31, 1916.

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Law respecting the Sale of Food and other Commodities.

| Commodity. | Existing Law Governing Sale. | Penalty for Violation Thereof. |
|--|---|---|
| Flour, meal, rolled oats, rolled wheat and feed..... | FLOUR, MEAL, ROLLED OATS, ETC. (Chap. 36, 1914, Amendment to Inspection and Sale Act.) | Every barrel or half barrel not properly marked shall be liable to a penalty of 10c. Vide sections 172 and 173 of chap. 85 as amended by chap. 36, 1914. Every bag, sack or package not properly marked shall be liable to a penalty of \$1. Vide sec. 15, chap. 36, statutes of 1914. |
| Net Weight in Dominion Standard pounds. | Every barrel, half barrel, bag, sack or package must have marked thereon the name of the packer and the brand and the weight of the contents, and in the case of feed, the composition thereof. | |
| Barrel. | | |
| Half-brl. | | |
| Flour..... | | 98 |
| Meal..... | | 98 |
| Rolled oats..... | | 90 |
| Rolled wheat..... | | 50 |
| VEGETABLES AND OTHER ARTICLES. | VEGETABLE AND OTHER ARTICLES. (Chap. 36, 1914, Amendment to Inspection and Sale Act.) | |
| Bushels. | Unless a bushel by measure is specially agreed upon, it must weigh the number of pounds set opposite each article. | |
| Artichokes..... | | 56 lbs. |
| Beans..... | | 60 " |
| Beets..... | | 50 " |
| Bituminous coal..... | | 70 " |
| Blue grass seed..... | | 14 " |
| Carrots..... | | 50 " |
| Castor beans..... | | 40 " |
| Clover seed..... | | 60 " |
| Hemp seed..... | | 44 " |
| Lime..... | | 70 " |
| Malt..... | | 36 " |
| Onions..... | | 50 " |
| Parsnips..... | | 45 " |
| Potatoes..... | | 60 " |
| Timothy seed..... | | 48 " |
| Turnips..... | | 50 " |

Law respecting the Sale of Food and other Commodities.—Continued.

| Commodity. | | Existing Law Governing Sale. | Penalty for Violation Thereof. |
|--|---|--|--|
| <p>Bags.</p> <p>Artichokes.....</p> <p>Beets.....</p> <p>Carrots.....</p> <p>Onions.....</p> <p>Parsnips.....</p> <p>Potatoes.....</p> <p>Turnips.....</p> | <p>Weight in Dominion Standard pounds.</p> <p>84 lbs.</p> <p>75 "</p> <p>75 "</p> <p>75 "</p> <p>65 "</p> <p>90 "</p> <p>75 "</p> | <p>A bag of any of the articles mentioned, must weigh the number of pounds set opposite the name of such article.</p> | <p>Every person who sells or offers for sale any bag of the vegetables mentioned that does not contain the number of pounds called for shall be liable, to a fine of \$25 for a first offence, and \$50 for each subsequent offence. Vide sec. 19, chap. 36.</p> |
| | Potatoes in barrels, 165 lbs..... | | |
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| | | | |
| Eggs..... | | <p>A barrel of potatoes shall mean, unless a barrel of specified size, kind or content by measure is agreed upon, 165 Dominion standard pounds of potatoes.</p> <p>Eggs.</p> <p>(Chap. 85 Inspection and Sale Act.)</p> | <p>No specific penalty is provided.</p> |
| | | <p>When eggs are described as sold by the standard dozen, the dozen shall mean one pound and a half.</p> <p>SALT.</p> <p>(Chap. 85 Inspection and Sale Act.)</p> | |
| Salt..... | | <p>Every barrel of salt packed in bulk, sold or offered for sale, shall contain two hundred and eighty pounds of salt, and every barrel or sack of salt sold or offered for sale, shall have the correct gross weight thereof, and in the case of a barrel the net weight also, marked upon it in a plain and permanent manner.</p> <p>When bags of salt are packed in barrels, the number of bags contained in the barrel and the weight of the aggregate amount of salt shall be marked, stamped or branded on one head of the barrel.</p> <p>The name or the registered trade mark of the packer of the salt, if it is packed in Canada, or the name and address of the importer, if it is packed elsewhere than in Canada, shall be marked, stamped or branded on every barrel or sack of salt sold or offered for sale in Canada.</p> | <p>Every person who neglects to comply with any of these provisions relating to salt, and every person who sells or offers for sale any salt in contravention of any of such provisions, shall be liable, on summary conviction, to a penalty of not less than ten dollars for each offence; but no deficiency in the weight of the salt contained in any package shall be deemed a contravention of such provisions unless such deficiency exceeds five per centum.</p> <p>No penalty shall be recoverable under this section unless proceedings for the recovery thereof are instituted within twenty days after delivery of the package of salt with respect to which it is claimed that a contravention of such provisions has been committed.</p> |

| | | |
|----------------------------|---|--|
| Butter..... | <p>BUTTER. (Chap. 7, 1914, Dairy Industry Act.)</p> <p>The manufacture and import of oleomargarine or other like substitutes for butter is entirely prohibited, nor must any person incorporate any ingredients in butter not provided by the Act and Regulations based thereon. The character and weight of butter is described in sec. 6 of the above Act. Butter must not contain over sixteen per cent of water. The full net weights are provided for $\frac{1}{4}$ lb., $\frac{1}{2}$ lb., 1 lb. and 2 lbs. when moulded or cut.</p> | <p>A fine of from \$10 to \$50 is provided, and in default thereof, imprisonment for a term not exceeding 6 months.</p> |
| Cheese..... | <p>CHEESE. (Chap. 7, 1914, Dairy Industry Act.)</p> <p>Sections 7 and 8 of the said Act, provides that no cheese shall be made from skimmed milk, and no adulteration shall take place during the process of making.</p> <p>MEAT AND CANNED FOODS. (Chap. 27, 1907, Meat and Canned Foods Act.)</p> <p>These articles are governed by the Act just above quoted which applies only to such when intended for export out of Canada or from one province of Canada to another. The following definition explains what the various terms cover. Unless the context otherwise requires,—</p> <p>(a) 'carcases' means the carcasses of cattle, sheep, swine, goats, game or poultry;</p> <p>(b) 'establishment' means any abattoir, packing house, or other premises in which such animals are slaughtered, or in which any parts thereof or products thereof, or fish, or fruit, or vegetables, are prepared for food for export or are stored for export;</p> <p>(c) 'export' means export out of Canada, or out of any province to any other province thereof;</p> <p>(d) 'food' includes every article used for food or drink by man, and every ingredient intended for mixing with the food or drink of man for any purpose.</p> <p>When an establishment is operated as an export house everything packed, handled or produced in same is subject to inspection whether for local consumption in the province where situate or for export therefrom.</p> | <p>The Act provides for a fine of from \$200 to \$400 on summary conviction, and in default of payment, imprisonment for a term not exceeding 6 months.</p> <p>Penalties up to \$500 have been enacted to cover various provisions of the Act.</p> |
| Meat and canned foods..... | | |

Law respecting the Sale of Food and other Commodities.—Continued.

| Commodity. | Existing Law Governing Sale. | Penalty for Violation Thereof. |
|--|--|--|
| <p>Apples.....</p> <p>(b) 'fruit' shall not include wild fruit, nor cranberries, whether wild or cultivated.</p> <p>(c) 'culls' shall include fruit that is either very small for the variety, or immature, or the skin of which is broken so as to expose the tissue beneath, or that is so injured by insects, fungi, abnormal growths, or other causes, as to render it unmerchantable.</p> | <p>APPLES.</p> <p>(Chap. 85, Inspection and Sale Act and Amendments.)</p> <p>Barrels used for packing apples must be 26½ inches between the heads inside measure, 17 inches in diameter at head and have a middle diameter of 18½ inches, containing as nearly as possible 96 quarts. Boxes used for packing apples must be not less than 10 inches deep, 11 inches in width and 20 inches long, representing as nearly as possible 2,200 cubic inches. Every such package (barrel or box), must be marked with the name of the person or corporation doing the packing, the name of the variety and the grade, viz.:— Fancy, No. 1, No. 2, No. 3.</p> <p>BERRIES, ETC.</p> <p>(Chap. 85 Inspection and Sale Act and Amendments.)</p> <p>Every box of berries or currants offered for sale and every berry box manufactured and offered for sale, in Canada, shall be plainly marked on the side of the box, in black letters at least half an inch square, with the word 'Short', unless it contains when level-full as nearly exactly as practicable,—</p> <p>(a) at least four-fifths of a quart;¹² or,</p> <p>(b) two-fifths of a quart.</p> <p>2. Every basket of fruit offered for sale in Canada, unless stamped on the side plainly in black letters at least three-quarters of an inch deep and wide, with the word 'Quart' in full, preceded with the minimum number of quarts, omitting fractions, which the basket will hold when level-full, shall contain, when level-full, one or other of the following quantities:—</p> <p>(a) Fifteen quarts or more.</p> <p>(b) Eleven quarts, and be five and three-fourths inches deep perpendicularly, eighteen and three-fourths inches in length, and eight inches in</p> | <p>For improper marking fines from \$10 to \$200. Faulty dimensions of barrels and boxes, 25c. each, with costs of prosecution.</p> <p>Every person who violates any of these provisions shall be liable, on summary conviction, to a penalty of twenty-five cents for each barrel of apples, or box of apples, pears, quinces, berries, or currants, or basket of fruit, or berry box, respecting which such violation is committed, together with the costs of prosecution; and in default of payment of such fine and costs shall be liable to imprisonment, with or without hard labour, for a term not exceeding one month, unless such fine and costs, and the costs of enforcing them, are sooner paid.</p> |

width at the top of the basket, sixteen and three-fourths inches in length, and six and seven-eighths inches in width at the bottom of the basket, as nearly exactly as practicable, all measurements to be inside of the veneer proper and not to include the top band.

(c) Six quarts, and be four and one-half inches deep perpendicularly, fifteen and three-eighths inches in length and seven inches in width at the top of the basket, thirteen and one-half inches in length, and five and seven-eighths inches in width at the bottom of the basket, as nearly exactly as practicable, all measurements to be inside of the veneer proper and not to include the top band: Provided that the Governor in Council may, by proclamation, exempt any province from the operation of this section.

(d) Two and two-fifths quarts, as nearly exactly as practicable.

The practice now in the Fruit Commissioners Branch is to have the Inspection performed at the initial points where the fruit is packed, thereby providing for the protection of the consumer in Canada, as well as the consumer abroad. Formerly this was done at the points of exit out of the country when fruit was inspected for export only.

Imported Fruit, the kind of which may be prescribed by regulation made by the Governor in Council must be branded or marked according to such regulation and any packages not so marked may be destroyed, and a fine of not more than \$50 imposed.

HAY AND STRAW.
(Chap. 85 Inspection and Sale Act.)

No specific penalty is provided.

Hay and Straw.....

The grades of hay shall be as follows:—
Prime timothy shall be pure timothy, perfect in colour, sound and well cured;

No. 1 timothy shall be timothy with not more than one-eighth of clover or other tame grasses mixed, of good colour, sound and well cured;

No. 2 timothy shall be timothy with not more than one-third of clover or other tame grasses mixed, of good colour, sound and well cured;

No. 3 timothy shall consist of at least fifty per cent of timothy and the balance of clover or other tame grasses mixed, of fair colour, sound and well cured:

¹²This will reduce to 55½ cubic inches.

LAW respecting the Sale of Food and other Commodities.—*Continued.*

| Commodity. | Existing Law Governing Sale. | Penalty for Violation Thereof. |
|--------------------|---|---|
| Hay and Straw..... | <p style="text-align: center;">HAY AND STRAW.—<i>Con.</i></p> <p>No. 1 clover shall be clover with not more than one-quarter of timothy or other tame grasses mixed, of good colour, sound and well cured; No. 2 clover shall be clover with not more than one-quarter of timothy or other tame grasses mixed, of fair colour, sound and well cured; Mixed hay shall be hay which does not come under the description of timothy or clover, and which is in good condition, of good colour, sound and well cured; No grade shall include all kinds of hay badly cured, stained or out of condition; Shipping grade shall be hay in good condition, pressed, sound and well cured. The rates for the inspection of hay shall be twenty cents for every ton. In the province of Quebec, the following shall be the standard weights for hay and straw, unless sold by the ton, or unless it appears that the parties to the contract agreed otherwise,— a bundle of timothy, clover or other hay, with a timothy band, fifteen pounds; a bundle of timothy, clover or other hay, bound with a withe, sixteen pounds; a bundle of straw, twelve pounds.</p> | |
| Pickled Fish..... | <p style="text-align: center;">PICKLED FISH. (Chap. 45, 1914, Inspection and Branding of Pickled Fish.)</p> <p>The act applies to salted herring, alewives, mackerel and salmon, but the Governor in Council may extend any or all of its provisions to other kinds of fish. No branding by the Inspector is permitted, unless the fish is caught, cured and packed according to regulations. The fish is to be packed in barrels, half barrels or other packages.</p> | <p>Penalties under the act range from \$20 or two months imprisonment to \$500 and 6 months imprisonment or both.</p> |

Branding is to be done only by the Inspectors, who may enter any premises to examine barrels, half barrels, or other packages of fish suspected of being falsely marked.
Inspection under the act is not compulsory, but the act does not permit of any one branding or marking any barrels, half barrels or packages of fish except the Inspectors as aforesaid.

FISH OILS.
(Chap. 85, Inspection and Sale Act.)

No specific penalty is provided.

The Act applies to whale, seal, porpoise, herring, sturgeon, siskawitz and all other kinds of oils derived from fishes and marine animals. Fish oil shall be packed in good, tight casks sound and staunch and made of hardwood. The Inspector or Deputy Inspector shall determine the gauge of each cask containing Fish oil and the outs thereof and shall mark the same on the cask. If the same contained water or other adulteration the fact shall be scribed or branded thereon, also the quality, month, last two figures of the year when inspected, initials of the christian name or names, entire surname of the Inspector, place of Inspection, initial letters of the province. Nothing in this Act shall oblige any person to cause any article to be inspected but if inspected it shall be subject to the provisions of this Act.

Fish Oils.....

REFERENCE TO FEDERAL STATUTES QUOTED IN THIS PAMPHLET.

Flour, meal, rolled oats, rolled wheat and feed are governed by the provisions of the Inspection and Sale Act, Chap. 85, R.S.C. 1906, Part III, as amended by Chap. 36 of the Statutes of 1914.

The Standard Weights for Vegetables and the other commodities mentioned therewith are governed by Chap. 36 of the Statutes of 1914, amending the Inspection and Sale Act, as well as section 357 of the said Act.

Fish oils are governed by the provisions of Part VII of the Inspection and Sale Act that relate thereto.

Eggs are provided for by Section 339, Part X, of the Inspection and Sale Act.

Salt is provided for by Sections 343, 344, 345 and 355, Part X, of the Inspection and Sale Act.

Hay and straw are governed by the provisions of Sections 340, 341 and 342 of the Inspection and Sale Act.

The Department of Trade and Commerce is charged with the administration of the Act respecting the foregoing commodities.

Picked fish was formerly dealt with by Part VII of the Inspection and Sale Act (Chap. 85, R.S.C., 1906), but is now subject to the provisions of Chap. 45, 4-5 George V (Statutes of 1914). This Act is administered by the Naval Service Department.

Meat and canned foods is governed by the provisions of the Act of that name, which is known as Chap. 27 of the Statutes of 1907.

Butter and cheese was formerly dealt with by Part VIII of the Inspection and Sale Act (Chap. 85, R.S.C., 1906), but it is now subject to the provisions of Chap. 7 of the Statutes of 1914, known as "The Dairy Industry Act."

Apples and other fruit are governed by the provisions of Part IX of the Inspection and Sale Act, Sections 319 to 336, Chap. 85, R.S.C., 1906, as amended by Chap. 21 of the Statutes of 1907, Chap. 35 of 1908, and Chap. 25 of 1913.

The Department of Agriculture is charged with the administration of the law respecting the foregoing commodities.

Copies of the various Acts and the Regulations based thereon can be had on application to the following:—

| | |
|---|---|
| Flour, meal, rolled oats, rolled wheat and feed, vegetables, fish oils, eggs, salt, hay and straw | } Department of Trade and Commerce, Ottawa. |
| Inspection and branding of pickled fish . . . | { The Superintendent of Fisheries, Naval Service Department, Ottawa. |
| Meat and canned foods | { The Chief of Meat and Canned Foods Branch, Department of Agriculture, Ottawa. |
| Butter and cheese | { The Dairy and Cold Storage Commissioner, Department of Agriculture, Ottawa. |
| Apples and fruit | { The Fruit Commissioner, Department of Agriculture, Ottawa. |

